

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

NextG Networks of Illinois, Inc.	:	
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Petition of NextG Networks of Illinois, Inc.	:	11-0263
For Confidential Treatment of its 2010	:	
Annual Report of Certain	:	
Telecommunications Carriers – Form AR-13	:	

ORDER

By the Commission:

On March 15, 2011, NextG Networks of Illinois, Inc. ("Petitioner" or "NextG") filed a verified petition requesting that the Illinois Commerce Commission ("Commission") enter an order protecting Petitioner's 2010 annual report– Form AR-13.

Petitioner is certified by the Commission to provide competitive telecommunications services in Illinois. The petition indicates that Petitioner's 2010 annual report of certain telecommunications carriers – Form AR-13 contains information that is proprietary and confidential and the disclosure of which to competitors could be detrimental to Petitioner. Therefore, such disclosure would substantially harm NextG's ability to negotiate with vendors and other competitors. Further, because the telecommunications industry is highly competitive, it is imperative that public disclosure of confidential information contained in the Petitioner's 2010 annual/amended gross revenue return for public utilities and rail carriers be avoided for a period of at least two years following issuance of an Order by the Commission, due to the competitive harm such disclosure would likely cause Petitioner.

All facts necessary for the Commission to grant the requested relief is contained in the petition, no hearing is necessary and it is waived.

The Commission having considered the entire record herein and being fully advised in the premises is of the opinion and finds that:

- (1) NextG is a telecommunications carrier within the meaning of Section 13-202 of the Public Utilities Act ("Act") which provides competitive telecommunications service as defined in Section 13-209 of the Act;
- (2) the Commission has jurisdiction over Petitioner and the subject matter herein;
- (3) the recitals of fact set forth in the prefatory portion of this Order are supported by the petition and are hereby adopted as findings of fact;

- (4) Section 5-109 of the Act states, in relevant part:

All reports made to the Commission by any public utility and the contents thereof shall be open to public inspections, unless otherwise ordered by the Commission;

- (5) Section 7(g) of the Illinois Freedom of Information Act (5 ILCS 140/7) exempts from disclosure:

Trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm;

- (6) the Petitioner's Annual Report for 2010 falls within the exemption stated in Finding (5);
- (7) Petitioner's 2010 annual report of certain telecommunications carriers – Form AR-13 should be exempt from public disclosure under Section 7(g) of the Illinois Freedom of Information Act and Section 5-109 of the Public Utilities Act for a period of two (2) years from the date of this Order;
- (8) Petitioner should file with the Chief Clerk's Office both a confidential annual report– Form AR-13 and a redacted public annual report – Form AR-13 along with a cover letter indicating that confidential treatment was granted in this Docket and identifying the date on which this Order was entered. Only the specific information deemed proprietary should be redacted from the public version.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the 2010 annual report – Form AR-13 for NextG Networks of Illinois, Inc. be afforded confidential treatment and is exempt from public disclosure and will be accessible only by the Commission and the Commission Staff for a period of two (2) years from the date of this Order.

IT IS FURTHER ORDERED that both a confidential 2010 annual report – Form AR-13 and a redacted public 2010 annual report – Form AR-13 shall be filed with the Chief Clerk's Office along with a cover letter indicating that proprietary treatment was granted in this Docket and identifying the date on which this Order was entered.

IT IS FURTHER ORDERED that the Illinois Commerce Commission retains jurisdiction over NextG Networks of Illinois, Inc. and the subject matter hereof for the purpose of issuing such further order or orders as it may deem necessary.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 5th day of October, 2011.

(SIGNED) DOUGLAS P. SCOTT

CHAIRMAN